

AUG 01 2006

3966

PTO/SB/97 (12-97)
Approved for use through 9/30/00. OMB 0651-0021
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

In re: Srihari Kumar et al.
Case: P3966 Application No.: 09/854,222 Filing date: 05/10/2001
Art Unit: 3624 Examiner: Daniel S. Felten
Subject: Interactive Funds Transfer Interface

Certificate of Transmission under 37 CFR 1.8

Attention: Daniel S. Felten, Examiner

Fax No.: (571) 273-8300

I hereby certify that this correspondence is being facsimile transmitted to the
Patent and Trademark Office

on 08/01/2006

Date


Signature

Sheri Beasley

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify
each submitted paper.

Total Sheets Transmitted - 18

1. Response to Notice of Non-Compliance - 1 sheet
2. Appeal Brief - 15 sheets
3. Copy of Notice of Non-Compliant Amendment - 1 sheet
4. Certificate of Transmission - 1 sheet

Please call me at (831) 726-1457 if you have any questions.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED
CENTRAL FAX CENTER

AUG 01 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3624 Examiner: Daniel S. Felten

In Re: Srihari Kumar et al.
Case: P3966
Serial No.: 09/854,222
Filed: 05/10/2001
Subject: Interactive Funds Transfer Interface

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Response to Non-Compliant Appeal Brief

A notice of non-compliant was mailed in the above-referenced case on 07/19/2006 regarding an appeal brief filed in the case on 04/26/2006. A corrected version of the appeal brief follows. Please deduct any required fees from deposit account 50-0534.

Respectfully submitted,
Srihari Kumar et al.

By Donald R. Boys
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
(831) 726-1457

RECEIVED
CENTRAL FAX CENTER

AUG 01 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

INVENTOR: Srihari Kumar et al.
CASE: P3966
SERIAL NO.: 09/854,222 **GROUP ART UNIT:** 3624
FILED: 05/10/2001 **EXAMINER:** Felten, Daniel S.
SUBJECT: Interactive Funds Transfer Interface

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Yodlee.com, Inc.

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

APPEAL BRIEF

- 2 -

Real Party in Interest

The real party in interest is the party named above in the caption of the brief, Yodlee.com, Inc.

2.0 Related Appeals and Interferences

This is an appeal from the Office Action of the Primary Examiner dated 10/05/2004, finally rejecting claims 1-25, the only pending claims in the application. There are no related appeals or interferences in the instant case.

3.0 Status of the Claims

The appealed claims are claims 1-25 in the form as last amended in response to the Non-Final Action mailed on 10/21/2003 rejecting claims 1-25. The present appeal was filed in response to the Final Action mailed on 10/05/2004 maintaining the rejection of claims 1-25, and the claims. Therefore claims 1-25 are left standing for examination and have been maintained in that form until the present Appeal.

4.0 Status of Amendments

No amendments have been filed subsequent to the Final rejection of claims 1-25 mailed on 10/05/2004.

5.0 Summary of the Claimed Subject Matter

In independent claim 1 a software suite is claimed for enabling viewing and manipulation of data through a single portal accessible from a data-packet-network, a software interface for enabling proxy transfer of funds between at least a user's financial

- 3 -

account held at one institution and a user's financial account held at another, separate, institution comprising an interactive main window (Fig. 25, element 345, first described under the sub-heading "Transfer Funds Interface", beginning on page 83, line 20 of the as-filed specification) for configuring transfer funds orders, viewing pending transfers, viewing transaction history, and viewing active account balances related to the financial accounts; an interactive selection window (at the top of Fig. 25, labeled "Transfer Funds") accessible through the interface, the selection window for enabling selection of the separate accounts for grouping into a list of activated accounts; and an automated confirmation window (Fig. 28, element 363, described on page 89, beginning at line 9 of the as-filed spec) enabling confirmation of data parameters of a requested funds transfer. The system is characterized in that a user operating the main interface (Fig. 24, element 305) may initiate funds transfer orders to be performed on said financial accounts at requested times by proxy in a fashion transparent at the time of execution to the requesting user, and the funds transfer from or to said financial accounts.

In summary, the system claimed allows a user to set up fund transfers between accounts held at completely separate institutions, with the transfers taking place by proxy, transparent to the user. Claims 2-9 are dependent claims adding additional limitations to those of claim 1.

Independent claim 10 recites an interactive method for transferring funds from or to a user's financial account held at one institution and a user's financial account held at another, completely separate institution through a single interface, and the limitations are much the same as described above for system claim 1. Claims 11-18 are depended claims from claim 10, adding additional limitations to those of claim 10.

Independent claim 18 recites an interactive system for transferring funds from or to a user's online financial account held at one institution and a user's online financial account held at another, separate, institution, the funds transfer capably performed across disparate on-line accounts and services over a data-packet-network comprising a first server node connected to the network, the server node providing a service-access-point for accessing users (this may be taken as portal 11 in Fig. 1, described beginning on page

- 4 -

15 of the as-filed spec., or portal 151 in Fig. 7, described beginning on page 43 at line 10); a second server node connected to the network and accessible to the first server node, the second server node (element 159 in Fig. 7, described in the as-filed spec. beginning on page 44 at line 21) providing automated navigation, data procurement, and data aggregation on behalf of the accessing users; a plurality of server nodes (Fig. 7, elements 141-145) described beginning on page 44 at line 27 and continuing on page 45) connected to the network and accessible to the second server node, the server nodes functioning as data sources for the data procurement and aggregation; and a funds transfer software interface (Fig. 25, element 345, described beginning on page 83, line4) installed on the first server node, the interface accessible to the accessing users connected to the network by respective remote nodes. The system is characterized in that users accessing the first server node from the remote nodes interact with the funds transfer interface for the purpose of ordering funds transfers, the funds transfers performed by proxy using cooperative functions of the first and second server nodes, and funds may be transferred either from or to said financial accounts.

In summary the system recited in claim 18 comprises the Internet connected architecture together with the funds transfer software that enables a user to set up funds transfers between accounts maintained at a plurality of Internet-connected sites, such as banks and billers.

Claims 19-25 are depended claims from claim 18 adding further limitations to those of claim 18.

6. Grounds of Rejection to be Reviewed on Appeal

Whether the primary Examiner in the present case makes a proper 103(a) rejection of claims 1-25 as being unpatentable over Schrader et al. (U.S. 5,903, 881), hereinafter Schrader, and Hagan (U.S. 5,631,828), hereinafter Hagan in view of each other. Appellant asserts that the combination of references relied upon by the Examiner essentially fails to teach or suggest all of the limitations as recited in the standing claims,

- 5 -

and the combination of references further lacks motivation required for obviating appellant's claims in their current form. Appellant argues that neither prior art reference relied upon by the Examiner teaches, suggests or intimates, transferring of funds by proxy of funds to and from multiple separate financial accounts maintained at separate institutions, utilizing a single user interface.

7. Argument

In the last official Office Action dated 10/05/2004, the Examiner reasserted the 103(a) rejection of claims 1-25 as being unpatentable over the references of Schrader and Hagan of record, in view of each other. Appellant's prior arguments filed 07/01/2004 that the combination of references lacks motivation and fails to teach or suggest the present invention as claimed were not persuasive to the Examiner.

In appellant's response to the official Office Action dated 05/21/2003, in which claims 1-25 were rejected under 35 U.S.C. 103(a) as unpatentable over the reference Schrader, the independent claims were amended to specifically recite proxy transfer of funds between at least a user's financial account held at one institution and a user's financial account held at another, separate institution. Appellant provided substantial argument that prior art interfaces, such as that provided by the reference of Schrader, require that on-line fund transfers be conducted at the site of the account and only support accounts held at a common (same) institution. The invention of the present application provides for a single interactive interface suite enabling proxy transfer of funds to and from separate accounts maintained at separate institutions, through the single user interface suite. The advantageous aspect of such higher architecture is that added convenience is provided for users because all of the proxy funds transfer operations may be performed without requiring physical Internet navigation by the user to accounts hosted by servers of separate institutions. Schrader is limited to transferring funds from an account at a primary institution to another account of the same institution.

- 6 -

In response the Examiner rejected the claims on their merits in the official Office Action dated 10/21/2003 using new grounds of rejection, retaining the same reference of Schrader, and further rejected the claims to informalities. In response to this Office Action, the claims were further amended to overcome the rejection due to informalities, and also to specifically recite proxy transfer of funds from or to said financial accounts, as opposed to simply between financial accounts, and that the accounts are maintained at separate financial institutions. Further argument was provided that the reference of Schrader discloses that the user may only connect to and manage accounts at one financial institution at a time, and that the higher structure of appellant's claimed invention enables management of several accounts, at separate institutions, and proxy transfer of funds to and from the separate accounts, using the same single interface, enabling the separate accounts and information pertaining to those accounts to be viewed simultaneously by the user.

The Examiner responded in the official Office Action dated 04/02/2004 that the previous claims amendments were acknowledged, and the claim rejection due to informalities was overcome, but appellant's arguments pertaining to the patentability of the claims over Schrader were considered by the Examiner to be moot in view of new grounds of rejection, as the new prior art reference of Hagan was introduced. The Examiner stated in this response, that the reference of Hagan discloses the claimed software interface enabling proxy transfer of funds between at least a user's financial account held at one institution and a user's financial account held at another, separate institution, as characterized in the independent claims. The Examiner added that, in view of Hagan's teaching it would have been obvious to modify Schrader's software interface to produce the claimed invention because an artisan at the time of the invention would have recognized the fact that certain financial institutions (i.e. banks) are federally insured only up to a certain dollar limit (i.e. FDIC) and therefore funds would need to be transferred to a multiplicity of financial institutions to safeguard against uninsured or unprotected funds. It is the Examiner's position that, further, it would have been obvious to integrate the features of the invention of Schrader into that of Hagan because the

- 7 -

artisan would have been interested in providing the latest network technology to the customer for electronically processing transactional data and monitoring of various funds, thus, the artisan would have been motivated to employ the features of Schrader as art recognized equivalents and/or obvious extensions to Hagan to provide convenient and efficient online banking, and thus such modification would have been obvious.

Appellant, however, strongly disagrees with the Examiner's interpretation of the combined references for producing the claimed invention, because the combination does not teach or suggest every aspect of the claimed invention, as recited in the independent claims. Appellant wishes to direct the Board's attention to the specific claim language recited in claim 1, which recites "a software suite for enabling viewing and manipulation of data through a single portal... a software interface for enabling proxy transfer of funds". A key and advantageous distinction of the claimed invention over that produced by the combined references, is that a user is enabled to transfer funds between accounts held at separate institutions, by proxy, using a single interactive interface. Prior art interfaces, such as that of Schrader, require that on-line fund transfers be conducted at the site of the account, and only support account held at a common institution. Interface of Schrader provides for the integration of the relevant information about a user's account(s) at the same institution, but fails to teach transferring of funds to and from separate accounts held at separate institutions. The invention of Schrader is limited to pulling funds from an account at a primary banking institution to another account at the same institution. The single software interactive interface of the claimed invention allows selection from a plurality of accounts at a plurality of separate institutions. The invention of Schrader is therefore limited compared to the claimed invention.

Furthermore, the combination of Schrader/Hagan clearly must use separate software interfaces, not a single interactive interface as in the claimed invention, in order to deal with more than one primary banking institution from which funds are being pulled from. In contrast, the claimed invention provides the user with the ability to transfer funds between accounts held at separate institutions, by proxy, using a single interactive

- 8 -

interface provides the distinct advantage over prior art interfaces, such as that of Schrader/Hagan.

Regarding the reference of Hagan, the teaching pertains more to a monitoring and reporting functions, and clearly does not provide specific teaching or suggestion of "transferring" of funds between separate institutions by proxy, using a single software interactive interface. Hagan teaches commanding or instructing the transfer of funds, if and when account balances exceed a certain preset threshold. However, this teaching falls well short of enabling a user to ascertain all of the information regarding the user's separate accounts at separate institutions, view all of the information simultaneously from the single software interface, and then conduct funds transfers, by proxy, through the single interactive interface, at the time of the user's choosing. The teaching of Hagan is vague and inconclusive regarding the transfer of funds. The system of Hagan monitors the account data, and when it is determined that the value of any one account being monitored exceeds the preset amount for that account, a "command or instruction" to transfer the funds takes place, which does not specifically teach the capability of the user actually "transferring" amounts, by proxy, to and from separate accounts held at separate institutions. The teaching of Hagan is not specific as to whom or what is being "commanded". Appellant argues, therefore, that the interface of Schrader and reporting capabilities of Hagan cannot produce the claimed invention, because the combined teachings fall short of "a software interface for enabling proxy transfer from or to a financial account at one institution and a financial account held at another, separate institution, as is specifically recited in the claims.

For these reasons, appellant argues that the prime facie case of rejection has not been adequately proved by the Examiner as argued above, and a proper rejection under 35 U.S.C. 103(a) cannot be made combining the art of Schrader and Hagan. Appellant respectfully points out that the obviousness cannot be established by combining the teaching of the combined art two produce the claimed invention absent sufficient teaching or suggestion supporting the combination. Appellant asserts that independent claims 1, 10, and 18 have been clearly demonstrated to be patentable over the combined art of

- 9 -

Schrader and Hagan. Depending claims 2-9, 11-17 and 19-25 are therefore patentable on their own merits, or at least has depended from a patentable claim.

In conclusion, it is respectfully submitted that the prior art provided by the UDPTO in this case, either singly or in combination, essentially fails to teach or suggest all of the limitations and capabilities as recited in appellant's claim language. Accordingly appellant respectfully request that the Board reverse the final rejection of claims 1-25 and hold them allowable.

- 10 -

8. Claims Appendix

The claims involved in the present Appeal are:

1. In a software suite for enabling viewing and manipulation of data through a single portal accessible from a data-packet-network, a software interface for enabling proxy transfer of funds between at least a user's financial account held at one institution and a user's financial account held at another, separate, institution comprising:

an interactive main window for configuring transfer funds orders, viewing pending transfers, viewing transaction history, and viewing active account balances related to the financial accounts;

an interactive selection window accessible through the interface, the selection window for enabling selection of the separate accounts for grouping into a list of activated accounts; and

an automated confirmation window enabling confirmation of data parameters of a requested funds transfer;

characterized in that a user operating the main interface may initiate funds transfer orders to be performed on said financial accounts at requested times by proxy in a fashion transparent at the time of execution to the requesting user, and the funds transfer from or to said financial accounts.

2. The software interface of claim 1 wherein the data-packet-network is the Internet network.

3. The software interface of claim 1 wherein the data is accessible over the Internet and subscribed to by the operating user.

4. The software interface of claim 1 wherein the data is hosted in file servers addressed on

- 11 -

the Internet network.

5. The software interface of claim 1 wherein a first interactive link is embedded in the main interface, the first interactive link for providing access to a secondary interface for adding accounts to the list of activated accounts for consideration in transferring funds.

6. The software interface of claim 1 wherein the main and secondary interfaces are provided in the form of hyper-text-markup-language.

7. The software interface of claim 5 wherein a second interactive link is embedded within the main interface, the second interactive link for providing access to a secondary interface for querying states of initiated funds transfers.

8. The software interface of claim 1 having interactive menus within the main interface, the menus comprising an interactive tool showing lists of activated accounts for transferring funds.

9. The software interface of claim 1, further comprising an input interface for inputting account information required to successfully complete a transfer funds operation, the input interface launched automatically when missing data is detected during a transfer funds sequence.

10. An interactive method for transferring funds from or to a user's financial account held at one institution and a user's financial account held at another institution through a single interface comprising steps of:

- (a) inputting in a data field within the single interface a transfer amount;
- (b) selecting from a data menu within the single interface a date for the funds transfer to execute;
- (c) selecting from a data menu within the single interface a financial institution

- 12 -

and associated account number of an account the transfer amount will be taken from;

(d) selecting from a data menu within a single interface a financial institution and associated account number of and account the transfer amount will be deposited to; and

(e) submitting the transfer funds order to be executed on the selected date.

11. The method of claim 10 wherein the data-packet-network is Internet network.

12. The method of claim 10 wherein in step (a), the single interface is a hyper-text-markup-language interface.

13. The method of claim 10 wherein in step (a), the transfer amount is input by selecting from a list of available amounts.

14. The method of claim 10 wherein the method is practiced by a user operating a remote computer node connected to the network.

15. The method of claim 14 wherein the computer node is a personal computer with Internet accessibility.

16. The method of claim 14 wherein the computer node is a cellular telephone with Internet accessibility.

17. The method of claim 14, wherein the computer node is a personal digital assistant with Internet accessibility.

18. An interactive system for transferring funds from or to a user's online financial account held at one institution and a user's online financial account held at another, separate, institution, the funds transfer capably performed across disparate on-line accounts and services over a data-packet-network comprising:

- 13 -

a first server node connected to the network, the server node providing a service-access-point for accessing users;

a second server node connected to the network and accessible to the first server node, the second server node providing automated navigation, data procurement, and data aggregation on behalf of the accessing users;

a plurality of server nodes connected to the network and accessible to the second server node, the server nodes functioning as data sources for the data procurement and aggregation; and

a funds transfer software interface installed on the first server node, the interface accessible to the accessing users connected to the network by respective remote nodes;

characterized in that users accessing the first server node from the remote nodes interact with the funds transfer interface for the purpose of ordering funds transfers, the funds transfers performed by proxy using cooperative functions of the first and second server nodes, and funds may be transferred either from or to said financial accounts.

19. The interactive system of claim 18 wherein the data-packet-network is the Internet network.

20. The interactive system of claim 18 wherein the first server node is a portal server providing a personalized interfaces of the form of hyper-text-markup-language interfaces.

21. The interactive system of claim 18 wherein the on-line accounts and services are accessible over the Internet and subscribed to by the accessing users.

22. The interactive system of claim 18 wherein the remote nodes are personal computers with accessibility to the Internet.

23. The interactive system of claim 18 wherein the remote nodes are cellular telephones with accessibility to Internet.

- 14 -

24. The interactive system of claim 18 wherein the remote nodes are hand-held computers with accessibility to the Internet.

25. The interactive system of claim 18 wherein the funds-transfer software interface is linked to at least one secondary interface provided in the form of hyper-text-markup-language.

- 15 -

9. Evidence Appendix

No evidence other than the arguments and facts presented in this brief is provided.

10. Related Proceedings Appendix

There is no related proceeding, so none have been copied here.

If any additional time extensions are required beyond any extension petitioned with this Appeal Brief, such extensions are hereby requested. If there are any fees due beyond any fees paid with this Appeal Brief, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Srihari Kumar et al.

By *Donald R. Boys*
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457

| | | | |
|--|--------------------------------------|--------------------------------------|--|
| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 09/854,222 | Applicant(s) SRIHARI KUMAR | |
| | Examiner Daniel S. Felten | Art Unit 3624 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 26 April 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

It seems that the applicant has inadvertently submitted the wrong claims than those that were originally submitted for appeal December 14, 2004 (see claims Appendix).


JAGDISH N. PATEL
PRIMARY EXAMINER


Ex. Daniel Felten
AU 3693
Business Methods.

COPY